

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Simon BATES et al.) Group Art Unit: 4112
)
Application No.: 10/590,204) Examiner: Bryan T. Kilpatrick
)
§ 371 date: May 4, 2007) Confirmation No.: 5565
)
For: ANALYSIS AND SCREENING OF)
SOLID FORMS USING THE)
ATOMIC PAIR DISTRIBUTION)
FUNCTION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Aptuit (Kansas City), LLC duly organized under the laws of the United States and having its principal place of business at Two Greenwich Office Park, Greenwich, Connecticut 06831, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/590,204, having a § 371 date of May 4, 2007, for ANALYSIS AND SCREENING OF SOLID FORMS USING THE ATOMIC PAIR DISTRIBUTION FUNCTION, in the names of Simon BATES, and Igor IVANISEVIC, as indicated by: 1) the assignment duly recorded for U.S. Application No. 10/590,204 from the inventors to SSCI, Inc. in the United States Patent and Trademark Office at Reel 015821, Frame 0720 on March 25, 2005; and 2) the subsequent merger of SSCI, Inc. with and into Aptuit (Kansas City), LLC recorded at Reel 022012, Frame 0049 on December 20, 2008.

Assignee, Aptuit (Kansas City), LLC, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 7,372,941, (issued from U.S. Patent Application No. 10/635,113), filed on August 6, 2003, for SYSTEM AND METHOD FOR MATCHING DIFFRACTION PATTERNS, in the names of Igor IVANISEVIC, Simon BATES, David E. BUGAY, Barbara C. STAHLY, and Donald R. HALLENBECK, as indicated by: 1) the assignment duly recorded for U.S. Application No. 10/635,113 from the inventors to SSCI, Inc. in the United States Patent and Trademark Office at Reel 014847, Frame 0223 on December 31, 2003; and 2) the subsequent merger of SSCI, Inc. with and into Aptuit (Kansas City), LLC recorded at Reel 022012, Frame 0049 on December 20, 2008.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 7,372,941. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later

expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

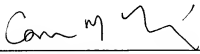
In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

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Dated: August 5, 2009